

DEMOLITION CHECKLIST

Application for a Demolition Permit for residential or commercial structures must be initialed in the upper left corner by the following Municipal Departments:

- ☐ DPW (for Water and Sewer shut-off)
- ☐ Fire Dept. (signifying no oil tank or flammable materials at site)
- ☐ Health Dept. (addressing rodent control, asbestos, and other health concerns)

The Demolition Permit application must contain the following documentation:

- ☐ Letter of disconnect from NStar
- ☐ Letter of disconnect from Keyspan
- ☐ Debris affidavit stating where debris will be disposed per M.G.L. Chapter 40 § 54
- ☐ Licenses and insurance of contractor
- ☐ Check wetland map to see whether parcel is within 100 feet of wetland or floodplain area. If yes, then Conservation Commission and/or Zoning Board of Appeals approval(s) may be required.
- ☐ Check Historic District map to see whether parcel falls within Historic District. If it does, approval from Historic District Commission is required before demolition permit can be issued.
- ☐ Verify age of building per Section 3 of Demolition Delay By-Law (excerpt included on Pages 4 & 5 of this packet).

1. Buildings, additions, and outbuildings completed on or after January 1, 1943 are exempt from Demolition Delay By-Law.
2. Buildings, additions, and outbuildings completed prior to January 1, 1943 (or if building's age is unknown), you must fill out the Application to the Historic Preservation Commission on the Page 3 of this packet (further explanation is included on the application).

**ISSUES OF CONCERN - BUILDING -- DEMOLITION &/OR CONSTRUCTION:
BEDFORD HEALTH DEPARTMENT 781-275-6507:**

☐ **SEPTIC SYSTEMS**

Septic system construction, repair, alteration and/or abandonment is governed by state regulation enforced by Dave Black, Bedford Health Director. Building construction and/or demolition work on a site with a septic system or cesspool can not be done unless the Health Department has been consulted.

☐ **WELLS**

Well construction, repair, alteration and/or abandonment is governed by local and state regulation enforced by Dave Black, Bedford Health Director. Wells may not be constructed or abandoned unless the Health Department has been consulted.

☐ **ASBESTOS** -- for a 7 page Asbestos Info/Resource Guide go to www.mass.gov/dep/bwp/asbestos/asbguid.pdf

Prior to demolition; asbestos must be removed properly. Asbestos cannot be put in a dumpster or hauled away as construction debris. Asbestos is regulated by two state agencies, i.e. DEP and DOS. Prior to issuing a building demolition permit the Bedford Health Department and the Bedford Building Department, working cooperatively, require written certification stating; a) that the structure is free of asbestos or b) documents the proper removal and disposal of all asbestos has been accomplished.

- For a list of DOS Certified Asbestos Analytical Laboratories go to www.mass.gov/dos/forms/la-rpt_list_aa.pdf
- For a list of DOS Certified Asbestos Removal firms go to www.mass.gov/dos/forms/la-rpt_list_ac.pdf
- For an ASBESTOS (WORK) NOTIFICATION FORM & additional info go to www.mass.gov/dep/appkits/anf001.pdf

☐ **HAZARDOUS MATERIALS/WASTES**

Hazardous materials/wastes must be removed properly prior to any demolition; it cannot be put in a dumpster or hauled away as construction debris. For Important Information for Choosing a state licensed Hazardous Waste Transporter go to www.mass.gov/dep/bwp/dhm/files/transinfo.htm For a listing of state licensed Hazardous Waste Transporters go to www.mass.gov/dep/bwp/dhm/files/transalph.pdf

☐ **MERCURY**

The Bedford Health Department has adopted a policy which requires all mercury thermostats and mercury switches be disposed of by taking them to the Bedford Building Department for proper (and free) disposal.

☐ **LEAD PAINT**

The abrasive blasting of lead based paint can cause public health hazard and air pollution. (State) Lead paint regulations involve as many as three state agencies, i.e. DPH, DEP and DOS. The regulations promulgated by these agencies have caused creation of private sector industries, i.e. Lead Paint Inspectors and Lead Paint Removal Contractors industries. The Bedford Board of Health will issue CEASE AND DESIST ORDER whenever a public health hazard associated with Lead Paint is suspected. The ORDER will be removed all when potential public health issues are resolved.

- For a list of DOS Certified Lead Paint Inspectors go to www.mass.gov/dph/clppp/maleadinsp.pdf
- For a list of DEP Certified Lead Paint Contractor/Removal firms go to www.mass.gov/dos/forms/la-rpt_list_dc.pdf
- For other inquiries or assistance contact the Bedford Board of Health at 781-275-6507.

☐ **RODENTS/INSECTS (PESTS)**

Refer to the yellow pages for a listing of licensed pest control consultants.

☐ **DUMPSTERS**

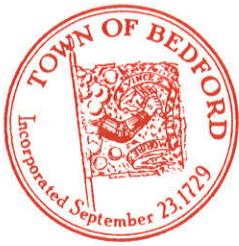
Dumpster permits are not currently required however, if it is decided to have one or more they should be appropriately placed and properly serviced.

☐ **PORTABLE TOILETS (TEMPORARY)**

Permits for locating temporary portable toilets are not currently required however, if it is decided to have one or more they should be appropriately placed and properly serviced.

☐ **SMOKING/TOBACCO**

State Law, effective July 5, 2004, prohibits smoking in all workplaces. A contractor's presence in the building immediately makes it a worksite, even if it wasn't under ordinary circumstances. Schools, including school grounds are additionally regulated under a different law, i.e. schools and school grounds must be smoke-free at all times.



Town of Bedford Historic Preservation Commission

Application for Review of a Structure Subject to the Demolition Delay Bylaw

This application to the Historic Preservation Commission (HPC) is necessary when a demolition permit has been requested for any building built before January 1, 1943 (except those buildings under the jurisdiction of the Historic District Commission). According to the Bedford Demolition Delay By-Law, the procedure involves the following steps:

- 1) HPC determines whether the building is historically and/or architecturally Significant. If the structure is found to be Not Significant, no delay in issuing the demolition permit is imposed by HPC.
- 2) If the building is Significant, HPC holds a public hearing to determine whether the structure is to be Preferably Preserved. If the structure is not found to be Preferably Preserved, no delay in issuing the demolition permit is imposed by HPC.
- 3) If the building is found to be Significant and is to be Preferably Preserved, HPC may impose a delay in issuance of a demolition permit for up to 12 months in order to provide time for the applicant to consider alternatives.

Date _____

Applicant's name (please print) _____

Applicant's company, if applicable (please print) _____

Phone: _____ Email _____

Address _____

City, State, Zip _____

Address of proposed demolition _____

No. of buildings to be demolished: _____ Est. construction dates(s) _____

Brief description of building(s) _____

Reason for requesting a Demolition Permit _____

Brief description of the proposed reuse, reconstruction, or replacement of the new building

Owner's name (please print) _____

Signature of owner _____

Please provide photographs of the existing building from all four sides, if possible, and submit them with this application to the Code Enforcement Department, Town Hall, 10 Mudge Way, Bedford, MA 01730.

For Commission Use Only

_____ The above referenced building(s) has been determined, by the Commission, to be *Not Significant* as defined in the Bedford General By-Laws and no further action is required by the Historic Preservation Commission.

_____ The above referenced building(s) has been determined, by the Commission, to be *Significant* as defined in the Bedford General By-Laws and the applicant is required to file for a public hearing to determine whether or not the building(s) shall be *Preferably Preserved*.

_____ Date _____
Historic Preservation Commission Chair

ARTICLE 57. DEMOLITION DELAY

57.1. Intent and Purpose

This Bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town and to limit the detrimental effect of demolition on the character of the Town. Through this Bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings, and residents of the town are alerted to impending demolition of significant buildings. By preserving and protecting significant buildings, this Bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work and better protects the community character found in the buildings, streetscapes and neighborhoods of the town. To achieve these purposes, the Historic Preservation Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided in this Bylaw.

57.2 Definitions

The following terms, when used in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires.

“Applicant” - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

“Application” - An application for the demolition of a building.

“Building” - Any combination of materials forming a shelter for persons, animals or property.

“Building Inspector” - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

“Commission” - The Bedford Historic Preservation Commission

“Demolition” - Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

“Demolition Permit” - The permit issued by the Building Inspector for demolition of a building, excluding a demolition permit issued solely for the demolition of the interior of a building. Such permit is subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations.

“Preferably Preserved” - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved or rehabilitated rather than to be demolished. A preferably preserved building is subject to the twelve-month demolition delay period of this Bylaw.

“Significant Building” - Any building within the town which has been determined to be significant based on any of the following criteria:

- a) The building is listed on, or is within an area listed on, the National Register of Historic Places; or
- b) The building, or area within which it is located, has been found eligible for the National Register of Historic Places; or
- c) The building, or area within which it is located, is recommended for listing in the National Register of Historic Places, based on the Community-wide Historic Properties Survey, June 1998; or
- d) The building is listed on an Inventory provided to the Building Inspector by the Commission, following a public hearing, based on its historical or architectural significance either by itself or in the context of a group of buildings.

57.3 Exclusions

The following are categorically excluded from action under this Bylaw:

- a) Buildings, additions and outbuildings completed on or after January 1, 1943. If a building is of an unknown age, it shall be assumed that the building was completed prior to January 1, 1943 for purposes of this Bylaw;
- b) Buildings within the Bedford Historic District, established under Chapter 118 of the

Special Acts of the Legislature of 1964, as amended. Such buildings are regulated under that Act.

57.4 Procedure

No demolition permit for a significant building shall be issued without following the provisions of this Bylaw.

An applicant proposing to demolish a building subject to this Bylaw shall file with the Building Inspector an application containing the following information:

- * The address of the building to be demolished;
- * The owner's name, address and telephone number;
- * A description of the building;
- * The reason for requesting a demolition permit;
- * A brief description of the proposed reuse, reconstruction or replacement; and,
- * A photograph or photograph(s) of the building.

The Building Inspector shall within seven (7) days forward a copy of the application to the Commission. The Commission shall within fifteen (15) days after receipt of the application, make a determination of whether the building is significant.

Upon a determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The building Inspector may then issue the demolition permit.

Upon a determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within the specified time period, the Building Inspector may issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty (30) days of its written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town for a period of not less than seven (7) days prior to the date of said hearing. The Commission shall decide at the public hearing

or within fourteen (14) days after the public hearing whether the building shall be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed and/or the public hearing may be continued to a later date.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the twelve (12) months if the Commission notifies the Building Inspector in writing that:

- a) the Commission finds that the intent and purpose of this Bylaw is served even with the issuance of the demolition permit or building permit; or,
- b) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or,
- c) the Commission is satisfied that the owner has made continuing bona fide and reasonable efforts over the preceding twelve months to locate a purchaser to preserve, rehabilitate and restore the subject building and that such efforts have been unsuccessful.

Following the twelve (12) month delay period, the Building Inspector may issue the demolition permit.

57.5 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this Bylaw. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee. The Commission may develop a list of significant buildings that will be subject to this Bylaw. Buildings proposed for addition to the significant buildings list shall be added following a public hearing.

57.6 Emergency Demolition

Nothing in this Bylaw shall be construed to derogate in any way from the authority of the Building Inspector derived from Chapter 143 of the General Laws. However, before acting pursuant to that chapter on a building subject to this Bylaw, the Building Inspector shall make every reasonable effort to inform the Commission of his or her intentions to cause demolition before initiating such action.

57.7 Enforcement and Remedies

The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a threatened violation thereof.

Any owner of a building subject to this Bylaw that demolishes the building without first obtaining a demolition permit in accordance with the provisions of this Bylaw shall be subject to a fine of not more than Three Hundred Dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this Bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

57.8 Historic District Act

Nothing in this Bylaw shall be deemed to conflict with the provisions of Chapter 118 of the Special Acts of the Legislature of 1964, which established the Bedford Historic District Commission (HDC), or of the provisions of the Historic Districts Act, Massachusetts General Laws (MGL), Chapter 40C. If any of the provisions of this Bylaw do so conflict, the legislative acts shall prevail.

Following a determination that a significant building is preferably preserved, the Commission may recommend to Town Meeting that the building be protected through the establishment of a local historic district. The steps required under MGL, Chapter 40C or required to further amend Chapter 118 of the Special Acts of 1964 shall be followed prior to establishment of such protection.

57.9 Severability

In case any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

AFFIDAVIT

As a result of M.G.L. Chapter 40 S 54, I acknowledge that as a condition of this Demolition Permit, all debris resulting from the construction activity governed by the permit shall be disposed of in a properly licensed solid waste disposal facility, as defined by M.G.L. Chapter 111 S 150A.

I certify that I will notify the Building Official by _____ (two months maximum) of the location of the solid waste disposal facility where the debris resulting from said construction activity shall be disposed of, and I shall submit the appropriate form for attachment to the Demolition Permit.

Signature of Permit Applicant

Date

(Please print or type the following information)

Name of Permit Applicant _____

Firm Name, if applicable _____

Address _____